

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM No.M-19335 of 2016 (O&M)
Date of Decision: December 13, 2016**

Kulwant Singh

...Petitioner

VERSUS

Mitterpal and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Gagandeep Singh Sirpikhi, Advocate
for the petitioner.

Mr.Vishal Sodhi, Advocate
for respondents No.1 to 3.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. against Mitterpal and other respondents for quashing of criminal complaint No.165/198 of 22.08.1998 under Sections 466, 467, 468, 470, 471, 120-B and 34 IPC filed by the complainant-petitioner and all subsequent proceedings arising therefrom qua respondents, on the basis of the compromise between the parties.

Notice of motion was issued. Learned counsel for the respondents appeared.

Statements regarding the compromise between the parties were recorded by the lower Court and a report was sent to this Court.

I have heard learned counsel for the parties and have gone through the record as well as the report sent by learned Court below.

The perusal of the report shows that earlier accused-

respondents have also filed the petition for quashing of the proceedings of

the criminal complaint on the basis of compromise i.e. CRM No.M-32825 of 2013, which was decided on 13.01.2014. This Court has dismissed that petition by stating that petitioners Vaishno Dass, Ajay Kumar and Parkash Singh are the government officials working in the revenue department. The allegations set up by the complainant did not constitute a dispute between private parties which can be allowed to be settled by way of compromise, more particularly in the circumstances that the allegations against the accused (petitioners therein) have been tested during trial and they have been held guilty of committing offence punishable under Sections 466 and 471 IPC and sentenced accordingly.

As this Court has already decided the matter between the parties that FIR cannot be quashed on the basis of compromise, therefore, the present petition filed by the complainant-petitioner is nothing but abuse of process of law. The petitioner in this case has tried to mislead the Court and has concealed the fact of earlier petition. Furthermore, in the petition, it is nowhere written that it is a quashing petition for quashing of the same complaint, though the earlier petition was filed by the accused-respondents. Filing of the present petition and concealing the fact regarding the dismissal of the earlier petition, itself shows the conduct of the parties, which also disentitles the accused for any relief.

Therefore, finding no merit in the present petition, the same is dismissed.

December 13, 2016
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No